

EMILY E. ATHERTON.

JANUARY 28, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3370.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3370) granting a pension to Emily E. Atherton, report the bill back with a recommendation that it do pass. The following is from the Senate report in this case, which is adopted:

Emily E. Atherton is the widow of Benj. T. Atherton, captain of Company C, First Maine Heavy Artillery.

The soldier enlisted as first sergeant on July 21, 1862, and was discharged September 11, 1865, as captain. The records of the War Department show that he was treated during the months of May, June, July, and August, 1864, for chronic diarrhea and typhoid fever. A surgeon's certificate, dated Annapolis, Md., September 30, 1864, states that he suffered from debility as the result of typhoid fever. In December, 1864, he was treated for intermittent fever.

He filed a claim for pension June 27, 1867, and was allowed \$5 per month from September 11, 1865, for intermittent fever. An assistant surgeon and a late captain certify that he contracted chills and fever while with his regiment at Fort Stanton during the summer of 1865. The evidence shows that he continued to suffer from malarial poisoning and chronic diarrhea, and his pension was increased to \$9 from June 17, 1887, and to \$13 from February 19, 1890.

The soldier died May 4, 1894. His attending physician, Dr. R. L. Grindle, who is said to be honest and upright and to stand well in his profession, testifies that the soldier died of disease of kidneys, which was caused by dilatation of the heart due to a derangement of the capillary circulation of the liver and spleen, placing extra work on that organ, and that the abnormal condition of the liver and spleen was due to the malarial poisoning.

The widow applied for pension under the general law June 5, 1894. This claim was rejected on the ground that kidney disease was not a result of pensioned causes. Appeal was taken to the Secretary of the Interior, who returned the papers to the Pension Office for the opinion of the medical referee as to whether kidney disease could be accepted as a result of malarial poisoning. The medical referee stood by his former action and said that there was no connection between the disease of kidneys from which soldier died and the diarrhea for which he was pensioned. The question seems to be one of pathological sequence, and whether the opinion of the attending physician who saw and treated the claimant during his sickness and for years before, or that of the medical referee, who never saw the claimant, shall be allowed to determine whether this soldier died from causes originating in the service.

Your committee having certain knowledge of the high professional standing and integrity of character of Dr. Grindle, the attending physician, and desiring to give the benefit of the equity of the claimant, therefore recommend the passage of the bill.